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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,801

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Parag Garg

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05/14/2008

NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

05/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,801	<b>Applicant(s)</b> GARG, PARAG	
	<b>Examiner</b> CHARLES SHEDRICK	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Rom EP 0589552 A2

Consider **claims 1 and 11**, Rom teaches an Access Point device and method of network management in a network comprising a plurality of access points comprising: monitoring a communication channel between a mobile device and a first access point(e.g., see col. 4 lines 53-56, col. 5 lines 12-13 and col. 5 lines 27-30), at the first access point to determine whether a trigger event occurs(e.g., col. 5 lines 28-30 and col. 5 lines 39-41)(i.e., determination made solely by the access point), if the trigger event is determined to have occurred(e.g., see col.5 line 49)(i.e., if the handoff is deemed necessary): sending a switch-assessment request from the first access point to one or more other access points of the plurality of access points(e.g., see col.6 lines 4-9)(i.e., determined through communication), receiving a switch-assessment response from at least one of the one or more other access points(e.g., see col.6 lines 4-9)(i.e., determined through communication), selecting a select access point from the at least one of the one or more other access points based on the switch-assessment response(e.g., see col.6 lines 4-9)(i.e., determined through communication), sending a switch-command from the first access point to the mobile device(e.g., see col. 2 lines 28-30 and col. 6 lines 51-55) to establish a

communication channel between the mobile device and the select access point(**col. 6 lines 54-55)(i.e., handoff accomplished).**

Consider **claims 2 and 12 and as applied to claims 1 and 11**, Rom teaches wherein the trigger event is based at least in part on at least one of: a signal strength of communications from the mobile device an error rate associated with communications to the mobile device, and traffic through the first access point(**e.g., see col. 4 lines 53-56).**

Consider **claims 3, 13 and 20 and as applied to claims 1 and 11**, Rom teaches the claimed invention further including determining a direction of movement of the mobile device, and wherein the trigger event is based at least in part on the direction of movement of the mobile device (**i.e., geographic location or predicted path with regarded to moving towards or away from an access point)(e.g., see col. 5 lines 10-15).**

Consider **claims 4 and 14 and as applied to claims 3 and 13**, Rom teaches the claimed invention further including receiving other information at the first access point regarding communications from the mobile device and determining the direction of movement based at least in part on this other information (**e.g., information regarding signal quality)(col. 5 lines 25-30).**

Consider **claims 5 and 15 and as applied to claims 1 and 11**, Rom teaches the claimed invention further including providing configuration information to the mobile device to facilitate establishing the communication channel between the mobile device sand the select access point (**e.g., see col. 6 lines 27-39 and col. 6 lines 51-55).**

Consider **claims 6 and 16 and as applied to claims 5 and 15**, Rom teaches the claimed invention further including receiving the configuration information from the select access point (e.g., see col. 6 lines 27-39 and col. 6 lines 51-55).

Consider **claim 7 and as applied to claim 1**, Rom teaches the claimed invention further, further including sending periodic messages from the mobile device to the first access point to facilitate the monitoring of the communications channel between the mobile device and the first access point (e.g., the signal strength/ traffic data constantly transmitted by the mobile device, i.e., beacons e.g., are also well known in the art)(col. 4 lines 53-56)

Consider **claims 8 and 17 and as applied to claims 1 and 11**, Rom teaches the claimed invention wherein sending the switch-assessment request includes sending parameters associated with the mobile device to the one or more other access points (e.g., see col. 5 lines 49-57 and col. 6 lines 40-55).

Consider **claims 9 and 18 and as applied to claims 8 and 17**, Rom teaches the claimed invention wherein selecting the select access point is based at least in part on at least one of: a compatibility between the mobile device and the select access point, traffic at the select access point traffic of the mobile device, and a predicted path of the mobile device(e.g., see col. 5 lines 49-57 and col. 6 lines 40-55).

Consider **claims 10 and 19 and as applied to claims 1 and 11**, Rom teaches the claimed invention further including defining an access classification associated with the mobile device and at least one of the one or more other access points of the plurality of access points and selecting the select access point based at least in part on the access classification(e.g., see col. 5 lines 49-57 and col. 6 lines 40-55).

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

ROM US Patent No.: 6,360, 264 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/  
Examiner, Art Unit 2617  
May 9, 2008

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